

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Germain et al. Examiner: Ramon M. Barrera
Serial No.: 10/690,776 Group: Art Unit: 2832
Filed: October 22, 2003 Docket: 1640-6
For: CIRCUIT INTERRUPTING DEVICE
WITH REVERSE WIRING PROTECTION
Dated: July 27, 2009

Confirmation No. 6953
Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants wish to bring to the attention of the Patent Examiner the U.S. patent references cited in the attached PTO/SB/08a form and the following related litigation cases:

1. Case Name: LEVITON v. USI, SMH v. LEVITON, & LEVITON v. SMH
Role of Applicant Leviton: Plaintiff Status: On Appeal
Court Case No.: 1:05-CV-00889-AMD
Patents Involved: 6,864,766
2. Case Name: SHANGHAI MEIHAO ELECTRIC, LEVITON v. AND SHANGHAI MEIHAO v. LEVITON
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: AMD: 03CV2137
Patents Involved: 6,040,967; 6,246,558; 6,282,070; 6,288,882; 6,381,112; 6,437,953

3. Case Name: LEVITON v. UNIVERSAL SECURITY INSTRUMENTS, INC.
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: DMD: 03CV1701 AMD
Patents Involved: 6,040,967; 6,246,558; 6,282,070; 6,381,112; 6,437,953
4. Case Name: LEEN II: LEVITON v. LEEN
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: WDWA:2:04-CV-02023-RSL
Patent Involved: 6,246,558
5. Case Name: PREFERRED INDUSTRIES, LEVITON v. LAWSUIT
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: SDFL: 03-61146-CIV-SEITZ
Patent Involved: 6,246,558
6. Case Name: DONGZHENG I: LEVITON v. NICOR & ZDE AND LEVITON v. HARBOR FREIGHT TOOLS USA, INC.
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: NMDC:CIV 04-0424 JB/LFG
Patent Involved: 6,246,558
7. Case Name: LEEN III: LEVITON v. LEEN & ASSOCIATES, INC. d/b/a THE DESIGNERS EDGE
Role of Applicant Leviton: Plaintiff Status: Pending Litigation
Court Case No.: WDWA: CV03-1271L
Patents Involved: 6,040,967; 6,246,558, 6,282,882; 6,381,112; 6,437,953
8. Case Name: SAFETY PLUS, INC., LEVITON v.
Role of Applicant Leviton: Plaintiff Status: Closed
Court Case No.: CDCA: 2:04-CV-03151-DDP-RZ
Patents Involved: 6,246,558

9. Case Name: INTERLINE BRANDS (SUNSTAR, ALL FIT, GX), LEVITON v. LAWSUIT (STAYED FOR DONGZHENG I & II)
Role of Applicant Leviton: Plaintiff; Status: Settled
Court Case No.: MDL: 3:05-CV-00123-TJC-MCR
Patents Involved: 6,246,558; 6,864,766
10. Case Name: DONGZHENG II: LEVITON v. ZDE, HARBOR FREIGHT, NICOR & CENTRAL PURCHASING, LLC
Role of Applicant Leviton: Plaintiff; Status: Closed
Court Case No.: CIV 05-0301 JB/DJS
Patents Involved: 6,864,766
11. Case Name: GRANDWAY d/b/a CHEETAH, LEVITON v. LAWSUIT
Role of Applicant Leviton: Plaintiff; Status: Closed
Court Case No.: UTDCE: 2:04-CV-00347-PGC
Patents Involved: 6,040,967; 6,246,558; 6,282,070; 6,288,882; 6,381,112; 6,437,953; 5,950,812
12. Case Name: TOPAZ ELECTRIC GFCI
Role of Applicant Leviton: Plaintiff; Status: Closed
Court Case No.: EDNY: 05 CIV 1469
Patents Involved: 6,246,558; 6,864,766
13. Case Name: ORBIT v. LEVITON LAWSUIT
Role of Applicant Leviton: Defendant Status: Settled
Court Case No.: CDC:CV03-00365 DDP (RZX)
Alleged Defamation

In court case no. 1:05-CV-00889-AMD (see reference numeral 1 above) in the United States District Court for the District of Maryland, a consolidated action where Plaintiff Leviton sued the defendant Universal Security Instruments and Shanghai Mehao alleging infringement of

one or more claims of U.S. Patent No. 6,864,766 ('766 patent) and Shanghai Mehao sought declaratory judgment of non-infringement, invalidity and unenforceability. Ultimately, the lawsuit was dropped; however, the defendants filed a motion to collect attorneys' fees and in that motion alleged that Leviton's attorneys had engaged in inequitable conduct and vexatious litigation tactics. In the decision by Judge Davis, dated May 12, 2009, the Judge agreed with the Memorandum Opinion of Magistrate Gauvey to award attorneys' fees. Magistrate Gauvey and Judge Davis found that Leviton's attorneys had intentionally failed to notify the Examiner when prosecuting U.S. Patent No 6,864,766 that a co-pending patent U.S. Application Serial No. 10/690,776 (the Germain Application) included claims that were substantially similar to or the same as those in commonly owned and issued U.S. Patent No. 6,864,766. None of the inventors in the '766 patent or in the Germain Application were the same. The Examiner was not informed during the prosecution of the '766 patent that the claims were substantially similar to the claims of the Germain Application. This decision is currently on appeal.

The present application claims priority from U.S. Provisional Application Serial No. 60/444,469 filed on February 3, 2003.

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the U.S. patent documents are not provided in accordance with the waiver of that requirement under 37 C.F.R. §1.98.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

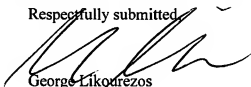
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(2).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. ____.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☒ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 12-1185.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 12-1185. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 12-1185 therefor.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Entry of this supplemental information disclosure statement is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'George Likoudrezos', is written over the typed name.

George Likoudrezos

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